

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>DAVID KENNETH PREISEL,</b>	)	
	)	
<b>MOVANT</b>	)	
	)	
<b>v.</b>	)	<b>CRIMINAL No. 2:08-CR-178-DBH</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>RESPONDENT</b>	)	

**ORDER AFFIRMING RECOMMENDED DECISION  
OF THE MAGISTRATE JUDGE**

On May 23, 2012, the United States Magistrate Judge filed with the court, with copies to the parties, her Recommended Decision on 28 U.S.C. § 2255 Motion. The time within which to file objections expired on June 11, 2012, and no objections have been filed. The Magistrate Judge notified the parties that failure to object would waive their right to *de novo* review and appeal.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge is hereby **ADOPTED**. Preisel's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255 is **DISMISSED**. No certificate of appealability shall issue in the event Preisel files a notice of appeal because there is no substantial showing of the denial of a constitutional right within the meaning of 28 U.S.C. 2253(c)(2).

**SO ORDERED.**

**DATED THIS 20<sup>TH</sup> DAY OF JUNE, 2012**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**